IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 30765 of 2006(K)

PETITIONER:

DR.S.SAINUDEEN SAHIB, LECTURER
DEPARTMENT OF ZOOLOGY, S.N. COLLEGE,
KOLLAM-691 001.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:

1. **DIRECTOR OF COLLEGIATE EDUCATION,**
   THIRUVANANTHAPURAM.
2. **DY.DIRECTOR OF COLLEGIATE EDUCATION,**
   KOLLAM.
3. **SREE NARAYANA TRUST, P.B.NO.63,**
   KOLLAM, REPRESENTED BY ITS SECRETARY.
4. **THE PRINCIPAL, S.N.COLLEGE,**
   KOLLAM.
5. **UNIVERSITY OF KERALA,**
   THIRUVANANTHAPURAM, REPRESENTED BY ITS
   REGISTRAR.

***ADDL.R6&R7 ARE IMPLEADED:**

R6. UNIVERSITY OF KANNUR, REP. BY ITS REGISTRAR.

R7. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOZHIKODE.

(ADDL.R6 & R7 ARE IMPLEADED AS PER ORDER DTD. 24/01/2007
IN I.A.NO.1138/2007)

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.for R5
SRI.A.N.RAJAN BABU, SC, S.N.TRUST
BY GOVERNMENT PLEADER SRI.T.T.MUHAMMED for R1,R2 &Addl.R7

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.30765/2006 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE ORDER NO.2/SNT/535 DTD. 22/05/2005 ISSUED BY THE 3RD RESPONDENT.**
EXT.P2:	**COPY OF THE JUDGMENT DTD. 17/03/2004 IN WP(C)NO.5240 OF 2004 (W) OF THIS HON'BLE COURT.**
EXT.P3:	**COPY OF THE ORDER BEARING NO.AC.F.III/2732/97 DTD. 21/07/2004 ISSUED BY THE 5TH RESPONDENT.**
EXT.P3(A):	**COPY OF THE ORDER BEARING NO.AC.F.III/2732/97 DTD. 11/2004 ISSUED BY THE 5TH RESPONDENT.**
EXT.P4:	**COPY OF THE ORDER NO.AC.F.III/1/00 4739/2005 DTD. 30/09/2005.**
EXT.P5:	**COPY OF THE STATEMENT OF WORKLOAD FOR THE YEARS 2002 IN RESPECT OF ZOOLOGY DEPARTMENT IN S.N.COLLEGE APPROVED BY THE 5TH REPONDENT.**
EXT.P5(A):	**COPY OF THE STATEMENT OF WORKLOAD FOR THE YEAR 2003 IN RESPECT OF ZOOLOGY DEPARTMENT IN S.N.COLLEGE APPROVED BYTHE 5TH REPONDENT.**
EXT.P5(B):	**COPY OF THE STATEMENT OF WORKLOAD FOR THE YEAR 2004 IN RESPECT OF ZOOLOGY DEPARTMENT IN S.N.COLLEGE APPROVED BY THE 5TH RESPONDENT.**

/TRUE COPY/

KSS

K. M. JOSEPH, J.

W.P.C. NO. 30765 OF 2006 K

Dated this the 8th February, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner had worked as Lecturer in Zoology in two short spells in leave vacancies and thereafter he was re-appointed in a regular vacancy in the S.N. College, Punalur vide appointment order dated 9.6.1998 and his appointment was approved with effect from 12.6.1998 and he was allowed to draw salary with effect from December, 2005. It is stated that the second respondent sanctioned disbursement of arrears for the period from 12.6.1998 to 31.5.2001. But, the arrears of salary due from 14.6.2001 to November, 2005 was not sanctioned on the ground that the petitioner was an excess teacher. Petitioner also submits that his re-appointment as Lecturer in Zoology with effect from 12.6.1998 was approved in the transfer vacancy of Smt. M. Jayakumari, in the S.N.College, Punalur vide Ext.P4. He, therefore, seeks a direction to disburse the arrears of salary due

to him from 14.6.2001 to 30.6.2002 during which period he worked in S.N.College, Kannur and from June, 2002 to November, 2005 during which period he worked in S.N.College, Kollam. It is stated that the petitioner is not pressing the second prayer as it is already given.

2. Heard the learned Government Pleader also. In the facts and circumstances of this case, there will be a direction to second respondent and additional seventh respondent to place their objections to Ext.P4 in respect of the respective periods, before fifth respondent University within a period of one month from the date of receipt of a copy of this Judgment. The fifth respondent thereafter will consider each and every objection meticulously and pass a reasoned order within a period of one month from the date of receipt of a copy of this Judgment. The decision taken will be communicated to petitioner and respondents 2 and 7. If the decision taken by the fifth respondent University is reiterating the stand taken already, the decision in Cherian Mathew v. Principal, S.B. College,

Chenganassery (1998 (2) KLT 144) will govern and the monetary benefits due to the petitioner will be disbursed to him without any further delay.

K. M. JOSEPH, JUDGE

kbk.